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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 26 February 1993, at 10 a.m.

Chairman: Mr. ENNACEUR (Tunisia)

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Consideration of draft resolutions and decisions relating to agenda items 5, 15, 16, 7, 17, 18 and 9.

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Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

The meeting was called to order at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1993/47)

1. The CHAIRMAN invited Mr. Bruno Celli, Special Rapporteur on the situation of human rights in Haiti, to present his report (E/CN.4/1993/47).

2. Mr. BRUNO CELLI (Special Rapporteur on the situation of human rights in Haiti) said that the human rights situation in Haiti had deteriorated in 1992 and early 1993. Generalized violence, killings, disappearances, preventive repression, arbitrary detention, torture, extortion and repression of demonstrations against the regime had been systematic. The lives, physical integrity, freedom and property of citizens were at the mercy of the army, the police, "Tontons Macoutes" and "section chiefs". The Constitution and laws were virtually ineffective in Haiti. The Inter-American Commission Human Rights, the United Nations Human Rights Committee, Special Rapporteurs, the various non-governmental organizations concerned and others had received countless complaints from individuals about violations of the human rights enshrined in the different international instruments to which Haiti was a party. Since the September 1991 coup d'état and despite the fact that civilians have been appointed to the posts of "President" and Prime Minister, power was in fact in the hands of the armed forces, which controlled the civilian authorities, Parliament and the administration of justice. The military officers who held power had constantly hampered the political negotiations engaged in since the 1991 coup d'état and had vetoed any negotiated solution.

3. Pressure from the international community had recently increased and tighter sanctions had been imposed on the de facto regime. The de facto Government had therefore had to agree, for example, to the increased presence of international observers, following recent negotiations between the de facto Government and the special envoy of the United Nations Secretary-General and the Secretary-General of the Organization of American States (OAS). Similarly, the presence since 1992 of permanent observers, members of the OAS civilian mission, which had been negotiated between the representatives of the de facto Government and those of President Aristide, would help to reduce the number of human rights violations if not to prevent them. The Special Rapporteur had therefore proposed that the number of observers in that mission should be increased so as to monitor the situation throughout the country and not only in the capital and large towns. In February 1993, that proposal had been accepted by the de facto Government and, according to the most recent information, 100 new observers had joined the OAS civilian mission.

4. Concerning the problem of the boat people, it should be borne in mind that it was very difficult to make a distinction between a person who wished to flee his country for economic reasons and one who wished to do so for political reasons. Repression was directed mainly against dwellers in the poor districts of Haiti's towns, the potential supporters of President Aristide. In the Special Rapporteur's opinion (see paragraphs 58 and 59 of his report - E/CN.4/1993/47), the problem of the boat people was to be viewed in the general context of the political, economic and human rights

situation in Haiti. As far as international public opinion and the policy of the new United States Administration were concerned, the problem of the boat people had been the determining factor in the pressure recently applied in favour of a negotiated political settlement of the Haitian question.

5. In his view only a return to a democratic political system could bring a halt to the massive violation of human rights in Haiti. It was therefore of the greatest importance that efforts be made to secure agreement among the different parties.

6. Having visited the country, examined the information received and monitored the human rights situation in Haiti as it had evolved during 1992, he had submitted the recommendations contained in subparagraphs (a), (b), (c), (d), (e), (f), (g), (h), (i) and (j) of paragraph 123 of his report (E/CN.4/1993/47). He also recommended that the international pressure should be maintained and even intensified and that economic or other sanctions should be envisaged so that current United Nations and OAS efforts in the framework of the civilian mission should not end in yet another failure.

7. He considered that the political, economic and social situation in Haiti should continue to be closely monitored as it would be possible to create conditions conducive to respect of the Haitian people's fundamental rights only if the institutional crisis was resolved and international cooperation maintained.

8. Mr. ALIEV (Observer for Azerbaijan) said that it was a year since an Armenian military expedition against the small town of Khojaly in Upper Karabakh with a population of 7,000 had resulted in hundreds of civilian victims. It was that tragedy which had brought the international community to realize the real nature of the Armenian invaders, who had launched an all-out war against Azerbaijan.

9. It was regrettable that those atrocities had not been condemned by the Commission at its preceding session, as they constituted a serious violation of the most fundamental of all human rights - the right to life. The Armenian expeditionary forces had consequently been able to continue their exactions with impunity, not only in Upper Karabakh but also in other parts of Azerbaijani territory, in particular the regions bordering Armenia, where the same methods were being used as at Khojaly. Armenia had in fact been the first country to practise "ethnic cleansing" by expelling 200,000 Azerbaijanis from Armenia and 60,000 others from Upper Karabakh five years previously.

10. For Azerbaijan there could be no doubt that the problem of Upper Karabakh could be solved only by negotiation, and the Azerbaijani Government therefore expressed its deep gratitude to the Chairman of the Minsk Conference, who was making untiring efforts to find a peaceful solution to the conflict and thanks to whom negotiations between Armenia and Azerbaijan were to resume in Rome in the near future. It was therefore regrettable that Armenia had launched a new offensive not only in Upper Karabakh but also in other parts of Azerbaijan as well as a massive propaganda campaign aimed at gaining the sympathy of world public opinion.

11. With regard to the territorial integrity of States and the self-determination of peoples, it was clear that if all national ethnic minorities were to accede to self-determination, the world would be made up of thousands of miniature States. The Armenians already had an independent State - the Republic of Armenia - and they therefore had no justification for proclaiming another within the Republic of Azerbaijan. It should be emphasized that before the conflict had broken out in February 1988, the Armenians of Upper Karabakh had enjoyed full territorial, administrative and cultural autonomy; teaching was in Armenian in 121 schools and there were newspapers in the Armenian language. The 200,000 Azerbaijanis who lived in Armenia had never enjoyed such autonomy.

12. Following the proclamation of independence, the Azerbaijani Government had adopted a number of decrees concerning national minorities and religious freedom. It was considering ratifying the 1949 Geneva Conventions and the 1977 Additional Protocols and could therefore only deplore the fact that Azerbaijani prisoners of war and civilian hostages in Armenia were not benefiting from the treatment to which they were entitled under those Conventions. His delegation therefore appealed to the Commission on Human Rights to send representatives to Armenia and to Azerbaijan to assess the condition of prisoners of war and hostages in both Republics.

13. In conclusion, his delegation again emphasized that a solution to the conflict in Upper Karabakh could be reached only by peaceful means. Armenia must also understand that and put an end to the occupation of over 5,000 square kilometres of Azerbaijani territory which was a clear violation of the principles of territorial integrity and the sovereignty of States upheld by both the United Nations and the CSCE. The war between two newly independent neighbouring States represented a threat to their very existence. For that reason, his delegation appealed to the international community, through the Commission, to intervene to end the bloodshed and find a peaceful solution to the conflict.

14. Mr. ABADJIAN (Observer for Armenia) drew attention to the fact that the new Armenian Government had engaged in a wide-ranging process of political, economic and social reform with a view to establishing democratic institutions to guarantee the protection and promotion of human rights. The Armenian people had been the first to abandon the totalitarian Soviet system and had announced its intention to build a society founded on universal values and to set up a new, free and democratic Armenia even before the collapse of the Soviet Union.

15. There could be no doubt that the Armenian people and Government were determined to achieve their objective. Unfortunately, the democratic reforms under way had come up against serious obstacles which represented a threat for all the rights of Armenians, in particular their right to life. For over four years the Azerbaijani authorities, taking advantage of the fact that most of Armenia's links with the outside world went through their territory, had been subjecting Armenia to a total blockade. The population was thus deprived of electricity and gas; production enterprises could no longer function; schools and other cultural establishments were closed, and the mortality rate had considerably increased, particularly among children and old people. The blockade was totally unjustified, as the policy of the Republic of Armenia,

which arose from its desire to progress along the road to democracy, aimed at establishing a lasting peace in the region. The blockade was also to be condemned from a moral standpoint since nothing could be more immoral than to impede the delivery of humanitarian aid sent by the international community under UNHCR, UNICEF and Red Cross programmes. Nothing could justify such acts and his delegation appealed to all States members of the Commission to take the necessary measures in order to put an end to that heinous blockade.

16. Concerning Upper Karabakh, it should be recalled that the people of that territory had clearly expressed by referendum their will to achieve self-determination but that Azerbaijan refused to recognize that expression of their will. By subjecting Armenia to a blockade, the Azerbaijani authorities were simply seeking to draw it into war and to distort the conflict to make it seem that Armenia had territorial claims on Azerbaijan. It was in that same spirit that Armenian towns and villages in the border regions of Armenia were daily being subjected to bombardment, in clear violation of the principle of the territorial sovereignty of States and the fundamental principles of international law.

17. It was time that international instruments specifically defining the concept of blockade and providing for sanctions against States using a blockade as a weapon were prepared, as other States might be encouraged by the impunity Azerbaijan was enjoying and also have recourse to such means of pressure against other States in other parts of the world. All members of the international community must unite in their efforts to ensure that the grandeur of the human spirit, referred to by President Oscar Arias Sanchez, Nobel Peace Prize winner, in his statement to the Commission, should prevail.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 5, 15, 16, 7, 17, 18 AND 9

Draft resolution E/CN.4/1993/L.13 (agenda item 5)

18. Mrs. MREMA (Observer for Tanzania) introduced, on behalf of its sponsors, the draft resolution on the situation of human rights in South Africa.

19. She said that there appeared to be a consensus within the Commission on the current situation in South Africa. Positive measures had been taken by the South African authorities, but there were still important obstacles to a comprehensive solution to the crisis. To repeal legislation on apartheid without repealing the Constitution, under which, for example, the right to vote was still denied to the country's black majority, served no purpose. The sponsors of the draft resolution therefore considered that the process of dismantling apartheid was far from completed and that the international community should continue to apply pressure until that objective was realized.

20. The sponsors had been inspired mainly by the Commission's resolution 1992/19 adopted the previous year, the General Assembly resolution on the subject adopted on 7 December 1992, and the report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1993/14). They wished to send a clear message to the South African Government that the international community was not satisfied with the incomplete measures so far taken to dismantle apartheid.

21. The South African authorities were therefore called upon to ensure the maintenance of law and order, stop violence and protect all citizens irrespective of their political affiliation. They were also called upon to put an end to the inhuman treatment of children and to release all political prisoners, including those sentenced to death, to allow the safe return of all political exiles and refugees, to expedite legal and administrative measures to abolish the "homelands" system, and to address the land problem. The South African authorities were further called upon to repeal discriminatory apartheid laws, eliminate racial distinctions in education and accede to the international human rights instruments and the International Convention on the Elimination of All Forms of Racial Discrimination.

22. To that end, all the parties were called upon to refrain from further acts of violence and to resume negotiations with a view to reaching agreement on a new democratic and non-racial constitution. As apartheid was still far from eradicated and it was important to continue reviewing the human rights situation under the apartheid regime, the sponsors recommended that the Commission renew the mandate of the Ad Hoc Working Group of Experts until such time as the situation had changed, and continued to request the South African Government to authorize the Working Group to visit South Africa to gather first hand information.

23. The African Group and other co-sponsors of the draft resolution hoped that that text might be adopted by consensus, as was customary, for the total and immediate eradication of apartheid was a common concern.

24. Mr. PACE (Secretary of the Commission) announced that Angola, Equatorial Guinea, the Libyan Arab Jamahiriya and the Islamic Republic of Iran had joined the sponsors of the draft resolution.

25. He pointed out that the financial implications of paragraphs 29, 30 and 31 of the draft resolution would amount to some US$ 430,200 for the 1993/1994 biennium, to cover the cost of field missions by the Ad Hoc Group of Experts, meetings of the Working Group in Geneva and temporary assistants expenses as well as the necessary conference services.

26. Draft resolution E/CN.4/1993/L.13 was adopted by consensus.

Draft resolution E/CN.4/1993/L.12 (agenda item 15)

27. Mr. KHUMALO (Observer for Zimbabwe), introducing the draft resolution on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid on behalf of its sponsors, said that, in drafting it, they had taken note of General Assembly resolution 47/81, the resolution 1991/10 of the Commission, and the report of the Group of Three (E/CN.4/1993/54), as well as the political developments in South Africa over the previous two years.

28. The sponsors reaffirmed the responsibility of the United Nations, the international community as a whole and the Commission in particular to assist the people of South Africa to eliminate apartheid. The timing of the draft resolution could not be better, for the call for human rights to be respected had become universal and the countries of the north in particular were seeking

to elevate that principle to the level of a creed. Independently of their emotional, ethnic and cultural affinities with the current South African Government, all countries should unanimously support the draft resolution.

29. In addressing the current political situation in South Africa, the sponsors urged the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa and they noted with satisfaction the commitment by the main actors in South Africa to continue talks.

30. In its report (E/CN.4/1993/54), the Group of Three had drawn the attention of the international community and of the Commission to the close link between the activities of transnational corporations operating in South Africa and the persistence of apartheid. The sponsors would have wished to reflect that point of view by advocating the maintenance of economic sanctions against South Africa. They had not done so, however, bearing in mind the political mood of the Commission on that question and because they considered that the Convention was a sanction in its own right. Above all, the sponsors had followed the General Assembly which, in its resolution 47/81 of 16 December 1992, had carefully avoided any mention of sanctions. At the same time, it was pleasing to note that 95 States were parties to the Convention, seven of them - Croatia, Estonia, Jordan, Latvia, Oman, Slovenia and Zimbabwe - having recently acceded to it.

31. It was with guarded optimism that the end of apartheid was awaited, as the outcome of a difficult and sometimes lonely struggle. Indeed, the so-called democratic countries had not always acted in accordance with their professed commitment to human rights. On the question of apartheid, the North had always given priority to material interests over moral obligation. Today, there were those who claimed that, since apartheid was dying, there was no need for a resolution! But the events of the 1930s and 1940s must not be forgotten; while nazism had been militarily defeated in 1945, xenophobia was still very widespread in Europe. Even if De Klerk had come to accept the principle of majority rule, apartheid as a belief and an ideology was still very much alive in South Africa.

32. The draft resolution should be supported by all members of the Commission to send a clear signal to the Pretoria regime that half measures in democracy would not be acceptable. Any abstention, let alone a negative vote, would be incompatible with the current human rights campaign and it was no longer possible as in the past to invoke national interest to justify an alliance with apartheid.

33. Mr. PACE (Secretary of the Commission) announced that Bangladesh, Barbados, Iraq and Mexico had become co-sponsors of resolution E/CN.4/1993/L.12.

34. Mr. TABATABAEE (Islamic Republic of Iran), speaking on behalf of the Asian Group, expressed the support of the countries of that Group for the draft resolution.

35. Draft resolution E/CN.4/1993/L.12 was adopted by 30 votes to none, with 21 abstentions.

36. The CHAIRMAN invited delegations wishing to do so to explain their vote.

37. Mr. BAUM (Germany), speaking on behalf of the members of the European Community, said that the resolution just adopted contained a number of improvements over the resolutions of preceding years, which had contained elements unacceptable for the countries for which he was speaking. Although those countries obviously favoured the adoption of measures to abolish apartheid, bring an end to violence and improve the economic and social situation in South Africa, they had abstained in the vote because they still had major reservations concerning the means envisaged for attaining those objectives. In conclusion, he drew attention to the fact that no State member of the European Community was a party to the Convention on Apartheid.

38. Mr. OYARCE (Chile) said that his delegation had voted in favour of the resolution. However, it did not endorse the contents of the fifth and eighth preambular paragraphs nor those of operative paragraphs 8 and 11, which did not reflect progress made in negotiations between the Government, ANC and other parties concerned to achieve the desired aim - an egalitarian, democratic and multiracial South Africa.

39. In Chile's view, moreover, there was no relationship of cause and effect between the activities of foreign enterprises in South Africa and the legal standing of apartheid.

40. Mr. MALGUINOV (Russian Federation) said that his delegation, whose position on apartheid was well known, had abstained in the vote. The text proposed did indeed contain some improvements over those of previous years but a number of passages failed to reflect adequately the process currently under way in South Africa. The sponsors had also mentioned a number of points to which no reference had been made in the most recent report of the Group of Three, of which the Russian Federation was a member.

41. Mr. CROOK (United States of America) said that his delegation had abstained in the vote for the reasons already given by Germany and the Russian Federation, and because the wording of the draft proposed was unsatisfactory.

Draft resolution E/CN.4/1993/L.9 (agenda item 16)

42. Mr. DIA (Observer for Senegal), speaking on behalf of the African Group, said that Mr. Sene, Ambassador of Senegal, had already emphasized that the time had come for the United Nations to speed up the process of dismantling apartheid in order to eliminate the bases of racism in South Africa and the encouragement which that form of discrimination gave to xenophobic tendencies and new forms of exclusion, sustained by ethnocentric or nationalist ideologies and religious integrism. In submitting draft resolution E/CN.4/1993/L.9, the countries of the African Group and other co-sponsors had wished to reaffirm the cardinal principle of the United Nations Charter, which was the promotion of universal respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

43. The preamble of the draft resolution drew attention to the firm determination of the international community to work towards the total eradication of racism in all its forms, and apartheid in particular, which were a denial of the Charter itself and of the Universal Declaration of Human Rights. The preamble also mentioned the situation of migrant workers and their families, and the efforts being made to improve the protection of their rights. It pointed out that the two Decades to Combat Racism and Racial Discrimination had not attained their main objectives and that millions of human beings continued to be victims of varied forms of racism. Moreover, in its resolution 47/77 of December 1992 the United Nations General Assembly had requested the Secretary-General to give the highest priority to the activities of the programme of action for the third decade aimed at monitoring the transition from apartheid to a non-racist society.

44. The operative part of the text submitted to the Commission re-emphasized that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, were among the most serious violations of human rights in the contemporary world and must be combated by all available means. Governments were urged to take all necessary measures to combat new forms of racism, in particular by constant adjustment of the methods used to combat them. Governments and non-governmental organizations were also invited to increase their activities to combat racism, racial discrimination and apartheid, and to provide relief and assistance to the victims of those evils.

45. In addition, the Secretary-General was requested to continue to accord special attention to the situation of migrant workers and members of their families, while UNESCO was invited to promote teaching, training and education activities on human rights and against racism, with particular emphasis on activities at the primary and secondary levels. Governments, United Nations bodies, the specialized agencies and other intergovernmental organizations, as well as interested non-governmental organizations were invited to participate in the activities scheduled for the 1990-1993 period which had not yet been carried out. For that purpose an appeal was made for generous contributions to the Trust Fund for the Programme for the Decade. Lastly, the sponsors proposed that note should be taken of the Secretary-General's report on the implementation of the Programme of Action for the Second Decade and the launching of a third decade and, in accordance with General Assembly resolution 47/77, they recommended that activities such as those referred to in the annex should be taken into account in the draft programme of action for the third decade.

46. Action against racism required the mobilization of all in defence of universal values and the rule of law. The sponsors of the draft resolution, in particular the members of the African Group, had taken into consideration the ideas and proposals of all those who had wished to make a contribution, as was indicated by the wide range of co-sponsors. It was hoped that that firm determination would take the form of adoption without a vote.

47. Mr. PACE (Secretary of the Commission) announced that the following countries had become sponsors of the draft resolution: Angola, Denmark, Malaysia, Panama, Republic of Korea, Islamic Republic of Iran and Yemen.

48. Resolution E/CN.4/1993/L.9 was adopted without a vote.

Draft resolution E/CN.4/1993/L.22 (agenda item 7)

49. Mr. PEREZ NOVOA (Cuba), speaking on behalf of its sponsors, introduced draft resolution E/CN.4/1993/L.22 on foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development. The sponsors were seeking to contribute to the solution of problems arising from the constantly increasing foreign debt of the developing countries. According to the International Monetary Fund, on 30 April 1992 that debt had amounted to 1,500 billion dollars, having increased by 4 per cent in comparison to the same date of the preceding year despite the efforts made by the developing countries to meet their financial obligations and despite transfers from expatriate workers which had amounted to over 500 billion dollars over the past decade.

50. The social repercussions of that indebtedness were alarming and the evils of which it was the cause - absolute poverty, hunger or malnutrition, illiteracy - had reached intolerable levels. Indeed, according to UNICEF, one of the most noticeable direct consequences of the debt was the death of 500,000 children every year.

51. Yet adjustment programmes continued to be applied in developing countries without any in-depth analysis of their social repercussions, or of the efforts being made in a number of the countries concerned to achieve development and promote economic, social and cultural rights.

52. The report requested of the Secretary-General in the draft resolution was therefore of vital importance; it should be prepared following in-depth consultation with interested governments, specialized agencies, intergovernmental organizations and non-governmental organizations.

53. Mr. PACE (Secretary of the Commission) announced that Madagascar, Zimbabwe and Tunisia had joined the sponsors of the draft resolution.

54. At the request of the representative of Japan, a vote was taken by roll-call.

55. Poland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Australia, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran, Libyan Arab Jamahiriya, Kenya, Lesotho, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Portugal, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.

Against: Japan, United States of America.

Abstaining: Argentina, Austria, Canada, Czech Republic, Finland, Germany, Netherlands, Peru, Poland, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

56. The draft resolution was adopted by 36 votes to 2, with 12 abstentions.

Draft resolution (E/CN.4/1993/L.27) (agenda item 7)

57. Mr. HESSEL (France), introducing the draft resolution on human rights and extreme poverty on behalf of its sponsors, said that it was a response to the concern already expressed by the Commission to listen to the poorest of the poor, with individuals and organizations, such as ATD - Quart-Monde for example, which were seeking to improve the lot of the excluded in order better to include them in the development of the society in which they lived. The Sub-Commission had proposed that the task should be undertaken by Mr. Leandro Despouy and the sponsors of the draft resolution were in favour of that proposal.

58. He drew the Commission's attention to a number of new provisions in the draft resolution as compared with the text of the preceding year: the preamble referred to the forthcoming celebration of the International Year of the Family, the latter being the ultimate community bond of those excluded, and the operational part paid tribute to those who had taken the initiative of having 17 October proclaimed "International Day for the Elimination of Poverty".

59. He re-emphasized that in order to deepen its consideration the Commission should learn more about the way in which the victims of social exclusion perceived the problems posed by society for the individuals of which it was composed. He invited the Commission to adopt the draft resolution by consensus.

60. Mr. PACE (Secretary of the Commission) announced that Denmark, Cyprus, Brazil, Equatorial Guinea, Nicaragua, Bangladesh, Tunisia, Iraq and Sudan had joined the sponsors of draft resolution E/CN.4/1993/L.27.

61. Draft resolution E/CN.4/1993/L.27 was adopted without a vote.

Draft resolution E/CN.4/1993/L.28 (agenda item 7)

62. Mr. CUNHA ALVES (Portugal), introducing draft resolution E/CN.4/1993/L.28 on the full enjoyment of economic, social and cultural rights on behalf of its sponsors, said that the sponsors wished to strengthen the standards recognized by the international community in that area. To do so they had taken inspiration in particular from the final report on the subject by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1992/60), and from the Seminar on Appropriate Indicators, whose conclusions and recommendations they recommended should be disseminated.

63. The sponsors had also wished to stress the importance of the Covenant as a framework for the adoption of legislation and measures in the field under consideration, and the role of the reporting system as well as that of the study of certain economic, social and cultural rights.

64. They had reflected some of the recommendations made by Mr. Danilo Türk in his report (E/CN.4/Sub.2/1992/16), in particular the need to strengthen cooperation between the financial institutions and human rights bodies.

65. They had also expressed the wish that the conclusions and recommendations of the Seminar on Appropriate Indicators should be disseminated.

66. In conclusion, he proposed, in response to a number of suggestions, that operative paragraph 18 be replaced by the following text: "Requests the Secretary-General to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of these institutions in the realization of economic, social and cultural rights;".

67. Mr. PACE (Secretary of the Commission) announced that Hungary, Switzerland, Denmark, Greece, Finland, Angola, Romania, Germany, Madagascar and Tunisia had joined the sponsors of the draft resolution.

68. Draft resolution E/CN.4/1993/L.28, as orally amended, was adopted without a vote.

69. Mr. MORLAND (United Kingdom of Great Britain and Northern Ireland), explaining his delegation's abstention in the vote on resolution E/CN.4/1993/L.22, said that while the United Kingdom staunchly defended the idea that individual rights were universal and inalienable and was firmly resolved to implement the international strategy to alleviate debt - a programme which constituted an important means of improving the economic and social lot of the inhabitants of the most indebted countries, it was opposed to establishing a link between indebtedness and human rights.

70. Mr. MARUYAMA (Japan), explaining why he had voted against resolution E/CN.4/1993/L.22, said that his country appreciated the problems caused by a large foreign debt in many developing countries and had been extending various kinds of assistance to heavily indebted countries. However, in Japan's view fora of the United Nations system other than the Commission on Human Rights were more appropriate for seeking solutions to the problems of debt and adjustment policies.

Draft resolution E/CN.4/1993/L.23 (agenda item 17)

71. Mr. WILLE (Observer for Norway), introducing draft resolution E/CN.4/1993/L.23 on the status of the International Covenants on human rights, said that it was very closely based on the resolution adopted on the same subject at the forty-eighth session of the Commission. He briefly outlined the main provisions of the draft resolution.

72. The text welcomed the recent ratifications and accessions and appealed strongly to all States which had not yet done so to become parties to the international human rights instruments and the Optional Protocols to the

International Covenant on Civil and Political Rights. It also invited States parties to comply strictly with their obligations, as derogations eroded human rights, and to review periodically any reservations which they might have made in respect of provisions of the instruments.

73. In the draft resolution, the Commission expressed its satisfaction with the serious and constructive way in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights were undertaking their functions. The Human Rights Committee was making continuous efforts, particularly in the context of its general observations, to ensure that the provisions of the International Covenant on Civil and Political Rights were implemented in accordance with uniform standards, while the Committee on Economic Social and Cultural Rights was also preparing general comments on provisions of the Covenant whose implementation it was monitoring. The draft resolution also welcomed further efforts by those Committees to improve their methods of work.

74. The draft resolution would also urge States parties to fulfil their reporting obligations in good time and to take account of the observations made by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights following consideration of the reports submitted; it invited them to give particular attention to the dissemination at the national level of the reports which they submitted to the Committees as well as of the summary records relating to those reports.

75. Lastly, the draft resolution would again request the Secretary-General to provide the Human Rights Committee with additional means to deal effectively and in a timely manner with its increasing workload under the Optional Protocols.

76. Draft resolution E/CN.4/1993/L.3 was adopted without a vote.

Draft resolution E/CN.4/1993/L.34 (agenda item 18)

77. Mr. KESSEL (Canada), introducing draft resolution E/CN.4/1993/L.34 on behalf of its co-sponsors, emphasized that the effective functioning of the human rights treaty bodies was an essential condition for effective and universal implementation of those instruments, as was shown by the report of the most recent meeting of chairpersons of treaty bodies, which had made recommendations on ways of improving the system. The study on possible long-term approaches to enhancing the functioning of the treaty bodies, prepared by an independent expert, had provided a basis for the proposals to change the functioning of those bodies to make them more effective. The draft resolution requested an updating of that study in the light of recent developments, particularly the entry into force of a number of new instruments and the establishment of committees to monitor their implementation.

78. The draft resolution went on to deal with the question of the funding of treaty bodies, in particular the Committee against Torture and the Committee on the Elimination of Racial Discrimination, which were facing difficulties in that respect. It took note of the fact that the General Assembly had approved amendments to the two Conventions to provide for regular budget funding of those Committees and that, in its resolution 47/111, the General Assembly had

asked the Secretary-General to take appropriate measures to that end. His delegation hoped that, as in previous years, the draft resolution would be adopted without a vote.

79. Mr. PACE (Secretary of the Commission) announced that Germany, Cameroon, Cyprus, Italy and the United Kingdom of Great Britain and Northern Ireland had joined the sponsors of the draft resolution.

80. Draft resolution E/CN.4/1993/L.34 was adopted without a vote.

81. Mrs. TERANISHI (Japan) said that it was the view of the Japanese Government that obligations arising from international human rights instruments should bind only the States parties to those instruments and that expenditure incurred in the functioning of the machinery established on the basis of those instruments should be borne by those States parties and not funded from the United Nations regular budget. Her delegation had upheld that point of view when the General Assembly had adopted resolution 47/111 at its forty-seventh session. Although it had joined the consensus on draft resolution E/CN.4/1993/L.34, it maintained its position and in particular expressed its reservation on operative paragraph 3.

Draft resolution E/CN.4/1993/L.30 (agenda item 9)

82. The CHAIRMAN, introducing draft resolution E/CN.4/1993/L.30 on the question of Western Sahara, said that the text basically took up the terms of the draft resolution adopted by the Commission on the question at its forty-eighth session. It took note with satisfaction of the report of the Secretary-General (A/47/506) and paid tribute to his efforts to settle the question of Western Sahara. The Commission reaffirmed its support for the efforts being made by the Secretary-General with a view to the organization and supervision by the United Nations of a referendum on self-determination for the people of Western Sahara, and it endorsed the contents of the letter from the President of the Security Council addressed to the Secretary-General expressing in particular the hope that both parties would extend their full cooperation to the Secretary-General and to his Special Representative in their efforts to achieve speedy progress in the implementation of the settlement plan and ensure its success. Recalling that the General Assembly had requested the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon at its forty-eighth session, the Commission, would decide to follow the development of the situation and consider the question at its fiftieth session, as a matter of high priority, under agenda item 9. He hoped that, as in previous years, the draft resolution would be adopted without a vote.

83. Draft resolution E/CN.4/1993/L.30 was adopted without a vote.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued) (E/CN.4/1993/8, 29 and Add. 1, 30, 31, 32, 33, 34, 35, 87, 90 and 96; E/CN.4/1993/NGO/2, 11 and 17)

84. Mr. KASTBERG (Sweden), referring to sub-item 11 (a), congratulated the Representative of the Secretary-General, Mr. Francis M. Deng, on his study of the situation of internally displaced persons (E/CN.4/1993/35). The Swedish delegation approved the study's establishment of a link between protection of such persons (preventive action) and the assistance to be granted them. In its view the Representative of the Secretary-General could usefully contribute to a better appreciation of that relationship. It considered, however, that rather than setting up a new body or machinery to deal with those problems, it would be preferable to draw on the competence of all United Nations bodies in order to meet the protection and assistance needs of persons who were or who might become internally displaced. In that regard, the Under-Secretary-General for humanitarian affairs had an important coordinating role to play through the standing inter-agency committee which he chaired. It would at the same time be useful to set up a centre for the collection of data on the situation of the persons concerned in order to support the activities of the Representative of the Secretary-General and to provide the Department of Humanitarian Affairs with information that would enable it to respond more effectively to the needs for assistance of displaced persons. His delegation thought that the question might be considered at the forthcoming annual session of the Economic and Social Council to be held at Geneva, as that would enable the necessary consultations to be held in the meantime. In conclusion, he hoped that the Commission would invite the Secretary-General to request his Representative to continue his work in accordance with the conclusions and recommendations set forth in his study and to report to the Commission annually on activities undertaken, as had been suggested by the Sudanese delegation.

The meeting rose at 1 p.m.